



Entered on Docket  
October 13, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

Rob Charles (NV 6593)  
John Hinderaker (AZ 018024)  
Marvin Ruth (NV 10979)  
3993 Howard Hughes Parkway, Ste. 600  
Las Vegas, Nevada 89169-5996  
Telephone (702) 949-8320  
Facsimile (702) 949-8321  
Email: [rcharles@lrlaw.com](mailto:rcharles@lrlaw.com)  
[jhinderaker@lrlaw.com](mailto:jhinderaker@lrlaw.com)  
[mruth@lrlaw.com](mailto:mruth@lrlaw.com)

*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,<sup>1</sup>

USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,<sup>2</sup>

USA SECURITIES, LLC,<sup>3</sup>

Debtors.

**Affects:**

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR<sup>1</sup>  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>2</sup>  
Case No. BK-S-06-10729-LBR<sup>3</sup>

**CHAPTER 11**

Jointly Administered Under  
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING SECOND  
OMNIBUS OBJECTION OF USACM  
TRUST TO PROOFS OF CLAIM BASED,  
IN WHOLE OR IN PART, UPON  
INVESTMENT IN THE LA HACIENDA  
ESTATE, LLC LOAN**

Hearing Date: October 5, 2009  
Hearing Time: 9:30 a.m.

<sup>1</sup> This bankruptcy case was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Second Omnibus Objection of USACM Trust to  
2 Proofs of Claim Based, In Whole or in Part, Upon Investment in the La Hacienda Estate,  
3 LLC Loan”, [Docket No. 7308] (the “Objection”); with appropriate notice of the Objection  
4 having been given; no response to the Objection having been filed; and good cause  
5 appearing:

6 **IT IS HEREBY ORDERED:**

- 7 1. The Objection is sustained;
- 8 2. The claims listed in **Exhibit A** are disallowed to the extent those  
9 claims are based upon a Direct Lender Investment in La Hacienda  
10 Estate, LLC Loan; and
- 11 3. To the extent the claims listed on **Exhibit A** are based upon  
12 investments in loans other than the La Hacienda Estate, LLC Loan,  
13 this order does not affect them and the USACM Trust may file further  
14 objections.

15  
16 PREPARED AND RESPECTFULLY SUBMITTED BY:

17  
18 **LEWIS AND ROCA LLP**

19 By /s/ Marvin Ruth (#10979)

20 Rob Charles

21 John Hinderaker (*pro hac vice*)

22 Marvin Ruth

23 3993 Howard Hughes Parkway, Ste. 600

24 Las Vegas, Nevada 89169-5996

25 Telephone: (702) 949-8200

26 Facsimile: (702) 949-8398

*Attorneys for USACM Liquidating Trust*

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee: August Landis	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

###

Submitted by:

**LEWIS AND ROCA LLP**

By: /s/ Marvin Ruth (#10979)  
 Rob Charles  
 John Hinderaker (*pro hac vice*)  
 Marvin Ruth  
*Attorneys for USACM Liquidating Trust*

<b>Claim</b>	<b>Name</b>	<b>Address</b>	<b>Total Claim Amount</b>	<b>Approximate Amount Subject to Objection Because it Relates to an Investment In the La Hacienda Estate, LLC Loan</b>
<b>10725-00604</b>	Mcdowell, Chester R	2715 E East Avenue Q-6 Palmdale, CA 93550-4147	527,702.18	100,000.00
<b>10725-00768</b>	Lels-Hohmann, Nienke	1559 Francisco St San Francisco, CA 94123	131,474.82	50,000.00
<b>10725-01575</b>	Karr, Phyllis Living Trust Dtd 8/8/05	825 Cooper Basin Rd Prescott, AZ 86303	30,000.00	15,000.00
<b>10725-01660</b>	Robert J. And Ruth Ann Kehl	Janet L Chubb Esq Jones Vargas PO Box 281 Reno, NV 89504-0281	12,841,680.13	250,000.00
<b>10725-01742</b>	Ferguson Living Trust Dtd 6/28/00	C/O Patricia Ferguson Ttee 3985 Lake Placid Dr Reno, NV 89511-6780	150,000.00	50,000.00
<b>10725-01865</b>	Oosthuizen, Adrian Jr	5860 Lausanne Dr Reno, NV 89511	2,711,295.00	300,000.00
<b>10725-01885</b>	Violet, Melody J	Po Box 2201 Vista, CA 92085	-	50,000.00
<b>10725-01903</b>	Aig Limited A Nevada Limited Partnership	9904 Villa Granito Ln Granite Bay, CA 95746- 6481	813,297.52	200,000.00
<b>10725-01960</b>	Souza Jt Ten, David A & Elizabeth M	542 Socorro CT Reno, NV 89511	1,031,654.42	200,000.00
<b>10725-01992</b>	Luongo Hw Jt Ten, John M & Gloria	Wros Payable On Death To Stephanie Luongo 965 Leah Cir Reno, NV 89511	306,747.34	100,000.00

**EXHIBIT A**